

FILED
Charlotte, NC

FEB 17 2022

Clerk, US District Court
Western District NC

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:20-CV-00504-FDW-DSC

CPI SECURITY SYSTEMS, INC.,

Plaintiff,

v.

VIVINT SMART HOME, INC.
f/k/a MOSAIC ACQUISITION CORP.;
LEGACY VIVINT SMART HOME,
INC.
f/k/a VIVINT SMART HOME, INC.,

Defendants.

VERDICT FORM

1. a. As to Issue 1, do you find that CPI has proven by the greater weight of the evidence that Vivint is liable to CPI under the Lanham Act?

Answer "Yes" or "No": YES

b. If you answered "Yes" to Issue 1.a. above, was Vivint's violation of the Lanham Act a proximate cause of damage, if any, to CPI?

Answer "Yes" or "No": YES

c. If you answered "Yes" to Issue 1.b. above, what amount of damages, if any, is CPI entitled to receive from Vivint as to Issue 1?

\$ 5,400,100

Write Out Amount: FIVE MILLION FOUR HUNDRED THOUSAND

2. a. As to Issue 2, do you find that CPI has proven by the greater weight of the evidence that Vivint is liable to CPI for engaging in one or more of the following forms of common law unfair competition?

(1) Falsely stating or suggesting, through words or actions, to CPI customers that Vivint is affiliated with CPI;

Answer "Yes" or "No":
YES

(2) Falsely stating or suggesting, through words or actions, to CPI customers that Vivint is affiliated with CPI;

Answer "Yes" or "No":
YES

(3) Falsely stating or suggesting to CPI customers that Vivint is performing routine maintenance, upgrading, or updating the customer's CPI equipment on CPI's behalf;

Answer "Yes" or "No":
YES

(4) Falsely stating or suggesting to CPI customers that Vivint has acquired, has merged with, has taken over, or is part of CPI;

Answer "Yes" or "No":
YES

(5) Falsely stating or suggesting to CPI customers that CPI has gone out of business, was bought out by another competitor, or changed its company name;

Answer "Yes" or "No":
YES

(6) Falsely stating or suggesting to CPI customers that CPI has stopped monitoring their alarm system;

Answer "Yes" or "No":
YES

— (7) Falsely stating or suggesting to CPI customers that Vivint is "taking over"

the monitoring of a CPI customer account or has purchased a CPI account or accounts from CPI;

Answer "Yes" or "No":
YES

(8) Making a fraudulent statement to a CPI customer about Vivint's "buyout" of a CPI account; or

Answer "Yes" or "No":
YES

(9) Falsely representing the statutory three-day right of rescission to CPI customers and resulting in damage to CPI.

Answer "Yes" or "No":
YES

b. If you answered "Yes" to Issue 2.a. above, or Issues 1.a and 1.b, was Vivint's common law unfair competition a proximate cause of injury, if any, to CPI?

Answer "Yes" or "No": YES

c. If you answered "Yes" to Issue 2.b. above, what amount of damages, if any, is CPI entitled to receive from Vivint as to Issue 2?

\$ 13,500,000

Write Out Amount: THIRTEEN MILLION FIVE HUNDRED THOUSAND

3. a. As to Issue 3, do you find that CPI has proven by the greater weight of the evidence that Vivint is liable to CPI for tortiously interfering with CPI's contracts with any of the following customers?

(1) Kathy Davis

Answer "Yes" or "No":
YES

(2) Cindy Link

Answer "Yes" or "No":
YES

(3) Joseph Montebello

Answer "Yes" or "No":
YES

(4) Laura Ward Answer "Yes" or "No":
YES

(5) Karen Green Answer "Yes" or "No":
YES

(6) Joyce Mariso Answer "Yes" or "No":
YES

(7) Harriett Betterson Answer "Yes" or "No":
YES

b. If you answered "Yes" to Issue 3.a. above, was Vivint's tortious interference a proximate cause of injury, if any, to CPI?

Answer "Yes" or "No": YES

c. If you answered "Yes" to Issue 3.b. above, what amount of damages, if any, is CPI entitled to receive from Vivint as to Issue 3?

\$ 1,500,000

Write Out Amount: ONE MILLION FIVE HUNDRED THOUSAND

4. a. As to Issue 4, do you find that CPI has proven by the greater weight of the evidence that Vivint is liable to CPI under the North Carolina Unfair and Deceptive Trade Practices Act?

Answer "Yes" or "No": YES

b. If you answered "Yes" to Issue 4.a. above, was Vivint's violation of the North Carolina Unfair and Deceptive Trade Practices Act a proximate cause of injury, if any, to CPI?

Answer "Yes" or "No": YES

c. If you answered "Yes" to Issue 4.b. above, what amount of damages, if any, is CPI entitled to receive from Vivint as to Issue 4?

\$ 29,300,000

Write Out Amount: TWENTY NINE MILLION THREE HUNDRED THOUSAND

5. a. If you answered "Yes" to Issues 2 or 3 above, do you find that CPI has proven by clear and convincing evidence that CPI is entitled to receive punitive damages from Vivint?

Answer "Yes" or "No": YES

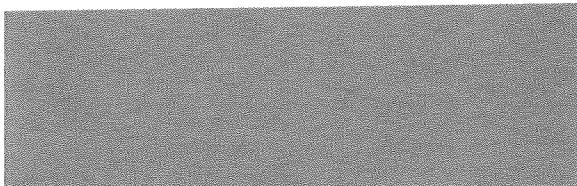
b. If you answered "Yes" to Issue 5.a. above, what amount of punitive damages, if any, is CPI entitled to receive from Vivint?

\$ 140,000,000

Write Out Amount: ONE HUNDRED FORTY MILLION

SO SAY WE ALL.

Dated this 17 day of February, 2023.



(Signature of Foreperson)